

Kaiser, Sven-Erik

From: Kaiser, Sven-Erik
Sent: Tuesday, February 18, 2014 12:21 PM
To: Mishkin, Kelsey
Subject: RE: Worker Protection Letter

Kelsey – got it. We'll get started on the response. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Mishkin, Kelsey [mailto:Kelsey.Mishkin@mail.house.gov]
Sent: Tuesday, February 18, 2014 12:19 PM
To: Kaiser, Sven-Erik
Subject: Worker Protection Letter

Hi Sven – apologies for delay, meant to send electronic copy earlier – thanks for calling!

Regards,

Kelsey H. Mishkin | Legislative Director
[Congressman Raúl M. Grijalva](#) | Arizona District 3
202.225.2435 | 1511 Longworth HOB

Congress of the United States
Washington, DC 20515

February 6, 2014

Dear Administrator McCarthy,

The Agricultural Worker Protection Standard (WPS) is the primary set of federal regulations that seeks to protect farmworkers from the hazards of working with pesticides. The current regulations are not effective in preventing workers' exposures to toxic chemicals in the fields. Over a decade ago, the EPA stated that even when there is full compliance with the WPS, "risks to workers still exceed EPA's level of concern."ⁱ Although the EPA has not made meaningful updates to the WPS in over 20 years, now that the Agency has finally taken steps to improve protections for farmworkers, we urge you to expeditiously finalize these long overdue changes to the WPS (RIN 2070-AJ22) and to reject any efforts to undermine or further delay the process.

Every year, an estimated 1.1 billion pounds of pesticides are applied to agricultural crops in the United States.ⁱⁱ According to the EPA, ten to twenty thousand farmworkers suffer pesticide poisoning annually.ⁱⁱⁱ Exposure to pesticides increases the risk of chronic health problems among adult and child farmworkers, such as cancer, infertility, neurological disorders, and respiratory conditions.^{iv} Recognizing that there are approximately 500,000 child farmworkers in the U.S.,^v farmworker children face increased risks of cancer and birth defects,^{vi} Research also shows that both farmworkers and their children may suffer decreased intellectual functioning from even low levels of exposure to organophosphate insecticides, which are widely used in agriculture.^{vii} To promote the health of rural communities and those who harvest the food for our constituents' tables, strong protections from pesticide exposure are urgently needed.

The current version of WPS protections is limited and insufficient for workers. Serious flaws of the WPS include:

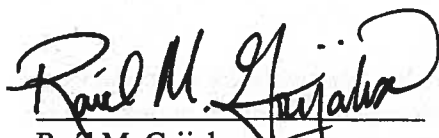
- **Short training sessions that are years apart and not reinforced are inadequate to protect workers.** Currently, employers are only required to provide each worker with a pesticide safety training once every five years.
- **Farmworkers are excluded from federal right-to-know rules that require employees to be informed of the health effects of specific chemicals they encounter at work.** The Occupational Safety and Health Administration's (OSHA) Hazardous Communication Standard (HCS) entitles workers in non-agricultural sectors the right to training and written information about the short- and long-term health effects associated with the chemicals used in their workplaces. In contrast, the WPS only requires farmworkers to receive general information about all pesticides. Specific information about their actual exposures would save lives and prevent illness by alerting workers to the symptoms of overexposure, help them take precautions to reduce risks, and ensure appropriate medical treatment.

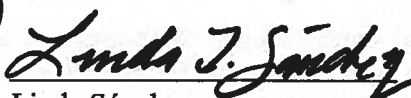
- **Workers do not receive adequate notification or information about recent pesticide applications.** Posted warning signs do not adequately inform workers about work hazards because they are not required at all entry points, do not state the dates on which entry is prohibited, or list the names of the pesticides applied.
- **Pesticide handlers need special protections to reduce direct exposure.** The WPS should be revised to require the use of engineered equipment or technology to create a physical barrier preventing pesticides from coming into direct contact with pesticide handlers (workers who mix, load or apply pesticides). For non-agricultural settings, the National Institute of Occupational Safety and Health established that engineering controls must be implemented as a first resort to prevent chemical exposures. Farmworkers should be guaranteed similar protections.
- **Workers who handle neurotoxic chemicals should have the option of blood tests to monitor exposure before symptoms or illness.** California and Washington have implemented a system to monitor workers who handle organophosphate and N-methylcarbamate pesticides (two particularly dangerous classes of pesticides). The number of poisonings involving these pesticides has gone down considerably since those programs took effect. This cost-effective program should be implemented nationwide.

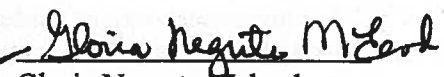
This failure to provide workers adequate protection is wholly inconsistent with Congress's intent. When we amended the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") in 1970, Congress stated that the "entire purpose of the [1970 revisions to FIFRA] is to protect man and the environment," and farmers and farmworkers are "the most obvious object of th[at] bill's protection."

To fulfill the promise of FIFRA, these and other changes to the WPS are needed to strengthen the protections for farmworkers and reduce injuries to them and their families. We urge you to promptly finalize long-overdue revisions to the Worker Protection Standard during fiscal year 2014 and implement these needed changes as soon as possible thereafter.

Sincerely,


Raul M. Grijalva
Member of Congress


Linda Sánchez
Member of Congress

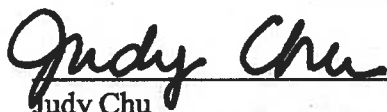

Gloria Negrete McLeod
Member of Congress



Karen Bass
Member of Congress



Tony Cárdenas
Member of Congress



Judy Chu
Member of Congress



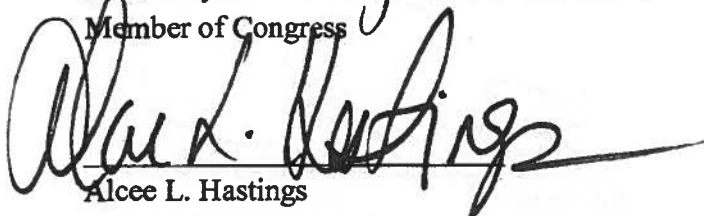
Rosa L. DeLauro
Member of Congress



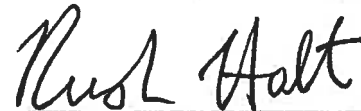
Marcia L. Fudge
Member of Congress



Alan Grayson
Member of Congress



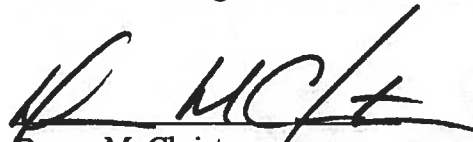
Alcee L. Hastings
Member of Congress



Rush Holt
Member of Congress



Earl Blumenauer
Member of Congress



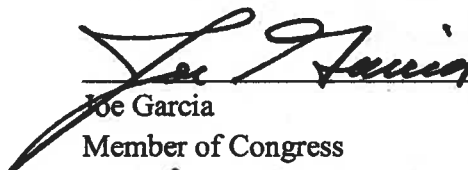
Donna M. Christensen
Member of Congress



John Conyers
Member of Congress



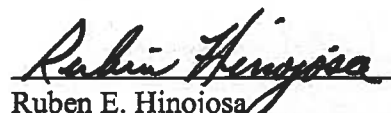
Keith Ellison
Member of Congress



Joe Garcia
Member of Congress



Luis V. Gutiérrez
Member of Congress



Ruben E. Hinojosa
Member of Congress



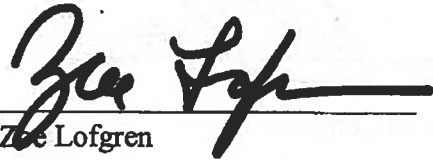
Michael M. Honda
Member of Congress



Alcee L. Hastings
Member of Congress



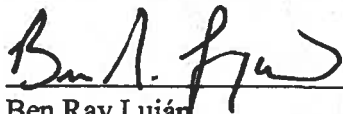
Barbara Lee
Member of Congress



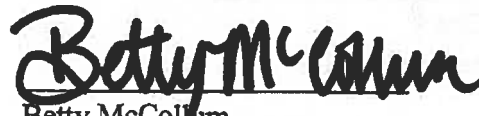
Zoe Lofgren
Member of Congress



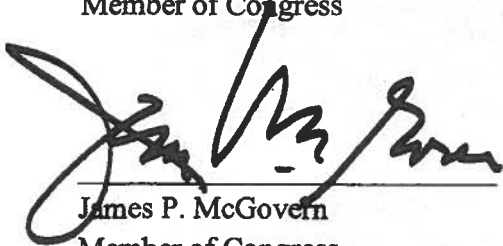
Alan Lowenthal
Member of Congress



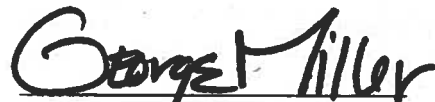
Ben Ray Lujan
Member of Congress



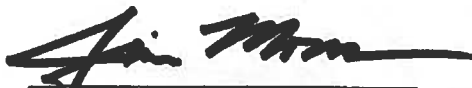
Betty McCollum
Member of Congress



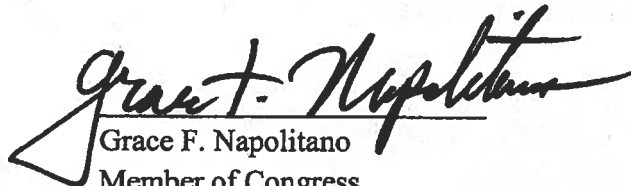
James P. McGovern
Member of Congress



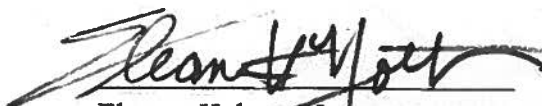
George Miller
Member of Congress



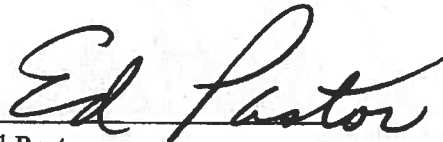
Jim Moran
Member of Congress



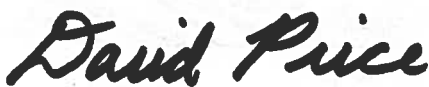
Grace F. Napolitano
Member of Congress



Eleanor Holmes Norton
Member of Congress



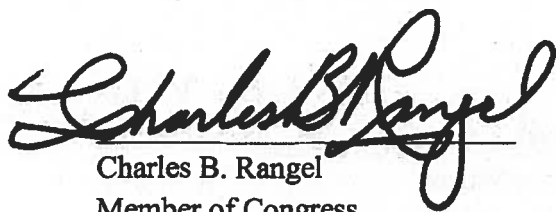
Ed Pastor
Member of Congress

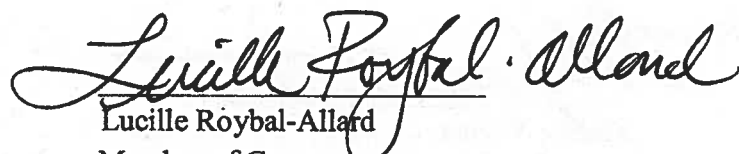



David Price
Member of Congress

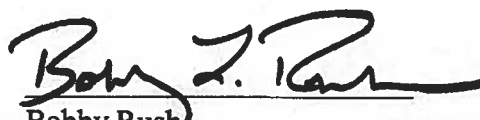



Mike Quigley
Member of Congress

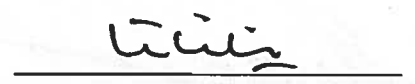

Charles B. Rangel
Member of Congress

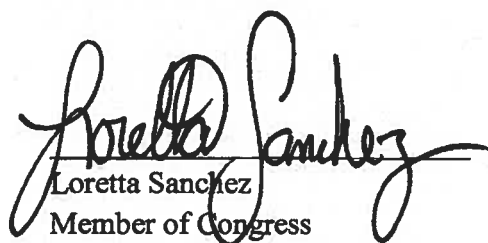

Lucille Róybal-Allard
Member of Congress

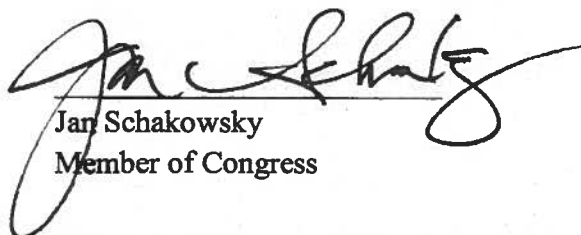

Raul Ruiz
Member of Congress

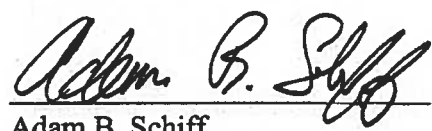

Bobby Rush
Member of Congress

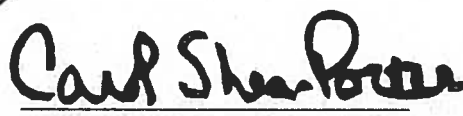

Tim Ryan
Member of Congress



Gregorio Kilili Camacho Sablan
Member of Congress

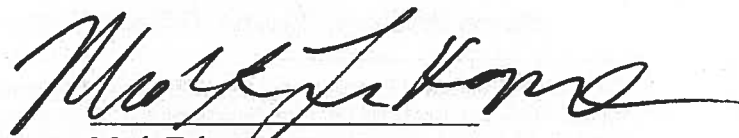

Loretta Sanchez
Member of Congress

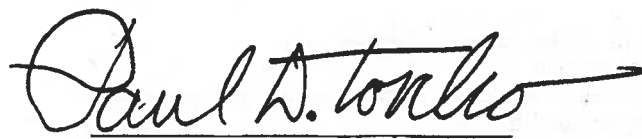

Jan Schakowsky
Member of Congress

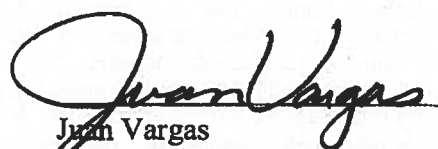

Adam B. Schiff
Member of Congress

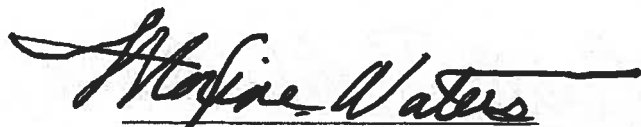

Carol Shea-Porter
Member of Congress


Louise Slaughter
Member of Congress

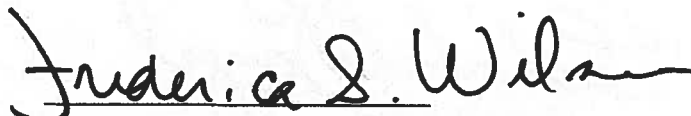

Mark Takano
Member of Congress


Paul D. Tonko
Member of Congress

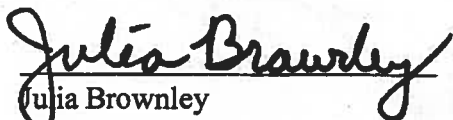

Juan Vargas
Member of Congress



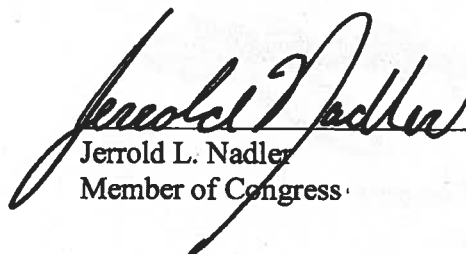
Maxine Waters
Member of Congress



Frederica Wilson
Member of Congress



Julia Brownley
Member of Congress



Jerrold L. Nadler
Member of Congress



Jose E. Serrano
Member of Congress

CC:

Jim Jones, Assistant Administrator, Office of Chemical Safety and Pollution Prevention,
U.S. EPA

Kathy Davis, Office of Chemical Safety and Pollution Prevention, U.S. EPA

Jeanne Kasai, Office of Chemical Safety and Pollution Prevention, U.S. EPA

Steven Bradbury, Director, Office of Pesticide Programs, U.S. EPA

ⁱ See U.S. Environmental Protection Agency. (2000, Sept. 29). Pesticide Registration Notice 2000-9, p.3. Retrieved from http://www.epa.gov/PR_Notices/pr2000-9.pdf

ⁱⁱ See U.S. EPA. 2011. Pesticides Industry Sales and Usage 2006 and 2007 Market Estimates. <http://www.epa.gov/opp00001/pestsales/>

ⁱⁱⁱ See U.S. EPA. (1992). Regulatory impact analysis of Worker Protection Standard for agricultural pesticides. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticide Programs.

^{iv} See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.

^v See Association of Farmworker Opportunity Programs. (2007). Children in the Fields, An American Problem. Retrieved from <http://afop.org/wp-content/uploads/2010/07/Children-in-the-Fields-Report-2007.pdf>.

^{vi} See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.

^{vii} See Environmental Health Perspectives. (2006, June). Studying Health Outcomes in Farmworker Populations Exposed to Pesticides. P 953-960. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1480483/>.